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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,327	06/09/2006	Mamoru Tsukada	03500.103828.	1626
5514 7590 02/17/2010 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER				
LU, FRANK WEI MIN				
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1634				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/582,327

**Applicant(s)**

TSUKADA, MAMORU

**Examiner**

FRANK W. LU

**Art Unit**

1634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-22 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim 1, drawn to a probe set comprising multiple probes that can be used for identification of an allele contained in a specimen.

Group II, claims 2 and 3, drawn to a probe set comprising multiple probes that can be used for identification of an HLA-A allele contained in a specimen.

Group III, claim 4, drawn to a method for identification of an HLA-A allele contained in a sample from a specimen using the probe set recited in claim 2 or 3.

Group IV, claims 5 and 6, drawn to a probe set comprising multiple probes that can be used for identification of an HLA-B allele contained in a specimen.

Group V, claim 7, drawn to a method for identification of an HLA-B allele contained in a sample from a specimen using the probe set recited in claim 5 or 6.

Group VI, claims 8 and 9, drawn to a probe set comprising multiple probes that can be used for identification of an HLA-C allele contained in a specimen.

Group VII, claim 10, drawn to a method for identification of an HLA-C allele contained in a sample from a specimen using the probe set recited in claim 8 or 9.

Group VIII, claims 11 and 12, drawn to a probe set comprising multiple probes that can be used for identification of an HLA-DP allele contained in a specimen.

Group IX, claim 13, drawn to a method for identification of an HLA-DP allele contained in a sample from a specimen using the probe set recited in claim 11 or 12.

Group X, claims 14 and 15, drawn to a probe set comprising multiple probes that can be used for identification of an HLA-DQ allele contained in a specimen.

Group XI, claim 16, drawn to a method for identification of an HLA-DQ allele contained in a sample from a specimen using the probe set recited in claim 14 or 15.

Group XII, claims 17 and 18, drawn to a probe set comprising multiple probes that can be used for identification of an HLA-DR allele contained in a specimen.

Group XIII, claim 19, drawn to a method for identification of an HLA-DR allele contained in a sample from a specimen using the probe set recited in claim 17 or 18.

Group XIV, claims 20 and 21, drawn to a probe set comprising multiple probes that can be used for identification of an HLA-MICA allele contained in a specimen.

Group XV, claim 22, drawn to a method for identification of an HLA-MICA allele contained in a sample from a specimen using the probe set recited in claim 20 or 21.

2. The inventions listed as Groups I to XV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group I and Groups II to XV do not relate to a single general inventive concept because they lack the same or corresponding special technical features since the technical feature linking Group I and Groups II to XV, a probe set comprising multiple probes that can be used for

identification of an allele contained in a specimen in claim 1, is not special and is not a contribution over the prior art. For the prior art, see Arguello *et al.*, Proc. Natl. Acad. Sci. USA, 93, 10961-10965, 1996.

Group II and Groups III to XV do not relate to a single general inventive concept because they lack the same or corresponding special technical features since the technical feature linking Group II and Groups III to XV, a probe set comprising multiple probes that can be used for identification of an HLA-A allele contained in a specimen in claim 2, is not special and is not a contribution over the prior art. For the prior art, see Arguello *et al.*, Proc. Natl. Acad. Sci. USA, 93, 10961-10965, 1996.

Group III and Groups IV to XV do not relate to a single general inventive concept because they lack the same or corresponding special technical features since the technical feature linking Group III and Groups IV to XV, a method for identification of an HLA-A allele contained in a sample from a specimen using the probe set recited in claim 2 or 3 in claim 4, is not special and is not a contribution over the prior art. For the prior art, see Arguello *et al.*, Proc. Natl. Acad. Sci. USA, 93, 10961-10965, 1996.

Group IV and Groups V to XV do not relate to a single general inventive concept because they lack the same or corresponding special technical features since the technical feature linking Group IV and Groups V to XV, a probe set comprising multiple probes that can be used for identification of an HLA-B allele contained in a specimen in claim 5, is not special and is not a contribution over the prior art. For the prior art, see Arguello *et al.*, Proc. Natl. Acad. Sci. USA, 93, 10961-10965, 1996.

Group V and Groups VI to XV do not relate to a single general inventive concept because they lack the same or corresponding special technical features since the technical feature linking Group V and Groups VI to XV, a method for identification of an HLA-B allele contained in a sample from a specimen using the probe set recited in claim 5 or 6 in claim 7, is not special and is not a contribution over the prior art. For the prior art, see Arguello *et al.*, Proc. Natl. Acad. Sci. USA, 93, 10961-10965, 1996.

Group VI and Groups VII to XV do not relate to a single general inventive concept because they lack the same or corresponding special technical features since the technical feature linking Group VI and Groups VII to XV, a probe set comprising multiple probes that can be used for identification of an HLA-C allele contained in a specimen in claim 8, is not special and is not a contribution over the prior art. For the prior art, see Arguello *et al.*, Proc. Natl. Acad. Sci. USA, 93, 10961-10965, 1996.

Group VII and Groups VIII to XV do not relate to a single general inventive concept because they lack the same or corresponding special technical features since the technical feature linking Group VII and Groups VIII to XV, a method for identification of an HLA-C allele contained in a sample from a specimen using the probe set recited in claim 8 or 9 in claim 10 is not special and is not a contribution over the prior art. For the prior art, see Arguello *et al.*, Proc. Natl. Acad. Sci. USA, 93, 10961-10965, 1996.

Group VIII and Groups IX to XV do not relate to a single general inventive concept because they lack the same or corresponding special technical features since the technical feature linking Group VIII and Groups IX to XV, a probe set comprising multiple probes that can be used for identification of an HLA-DP allele contained in a specimen in claim 11, is not special

and is not a contribution over the prior art. For the prior art, see Bodmer *et al.*, Proc. Natl. Acad. Sci. USA, 84, 4596-4600, 1987.

Group IX and Groups X to XV do not relate to a single general inventive concept because they lack the same or corresponding special technical features since the technical feature linking Group IX and Groups X to XV, a method for identification of an HLA-DP allele contained in a sample from a specimen using the probe set recited in claim 11 or 12 in claim 13, is not special and is not a contribution over the prior art. For the prior art, see Bodmer *et al.*, Proc. Natl. Acad. Sci. USA, 84, 4596-4600, 1987.

Group X and Groups XI to XV do not relate to a single general inventive concept because they lack the same or corresponding special technical features since the technical feature linking Group X and Groups XI to XV, a probe set comprising multiple probes that can be used for identification of an HLA-DQ allele contained in a specimen in claim 14, is not special and is not a contribution over the prior art. For the prior art, see Holbeck *et al.*, Immunogenetics, 24, 251-258, 1986.

Group XI and Groups XII to XV do not relate to a single general inventive concept because they lack the same or corresponding special technical features since the technical feature linking Group XI and Groups XII to XV, a method for identification of an HLA-DQ allele contained in a sample from a specimen using the probe set recited in claim 14 or 15 in claim 16, is not special and is not a contribution over the prior art. For the prior art, see Holbeck *et al.*, Immunogenetics, 24, 251-258, 1986.

Group XII and Groups XIII to XV do not relate to a single general inventive concept because they lack the same or corresponding special technical features since the technical feature

linking Group XII and Groups XIII to XV, a probe set comprising multiple probes that can be used for identification of an HLA-DR allele contained in a specimen in claim 17, is not special and is not a contribution over the prior art. For the prior art, see Wordsworth *et al.*, Immunogenetics, 32, 413-418, 1990.

Group XIII and Groups XVI and XV do not relate to a single general inventive concept because they lack the same or corresponding special technical features since the technical feature linking Group XIII and Groups XVI and XV, a method for identification of an HLA-DR allele contained in a sample from a specimen using the probe set recited in claim 17 or 18 in claim 19, is not special and is not a contribution over the prior art. For the prior art, see Wordsworth *et al.*, Immunogenetics, 32, 413-418, 1990.

Groups XIV and XV do not relate to a single general inventive concept because they lack the same or corresponding special technical features since the technical feature linking Groups XIV and XV, a probe set comprising multiple probes that can be used for identification of an HLA-MICA allele contained in a specimen in claim 20, is not special and is not a contribution over the prior art. For the prior art, see Tian *et al.*, Immunogenetics, 53, 724-728, 2001.

3. Election of a specific probe set is required to Groups II to XV

Tables 1-1 to 1-7, 2-1 to 2-6, 5-1 to 5-9, 6-1 to 6-8, 9-1 to 9-4, 10-1 to 10-4, 13-1 to 13-3, 14-1 to 14-3, 17A, 17B-1, 17B-2, 18A, 18B-1, 18B-2, 21-1 to 21-8, 22-1 to 22-7, 27-1, 27-2, 28-1 and 28-2 read on patentably distinct probe set. Each probe set is patentably distinct because each probe set contains structurally unrelated sequences, and a further restriction is applied to each probe set. Applicant is advised that the examination will be restricted to only elected probe set and should not to be construed as a species election.



4. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CAR § 1.6(d)). The CM Fax Center number is (571)273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Lu, Ph.D., whose telephone number is (571)272-0746. The examiner can normally be reached on Monday-Friday from 9 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Nguyen, can be reached on (571)272-0731.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frank W Lu /  
Primary Examiner, Art Unit 1634  
February 1, 2010

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